



Exhibit A-1, at ¶¶2-3. Nexion's principal place of business is in Maryland, which is listed in the State of Texas' records as Nexion's principal place of business, as well as the location of Nexion's controlling officers. *See* Exhibit B; 28 USC § 1332(c)(1); *Hertz Corp. v. Friend*, 559 U.S. 77, 78 (2010) ("phrase 'principal place of business' in § 1332(c)(1) refers to the place where a corporation's high level officers direct, control, and coordinate the corporation's activities, i.e., its 'nerve center,' which will typically be found at its corporate headquarters"). There is complete diversity between Plaintiffs and Nexion.

Plaintiffs' complaint seeks actual and punitive damages "in a sum within the jurisdictional limits of the" state district court. Exhibit A-1 at ¶¶6; 29-33. Texas law allows up to \$250,000 in non-economic damage for medical liability claims. Tex. Civ. Prac. & Rem. Code § 74.301. Plaintiff additionally seeks an award of exemplary damages by alleging that Nexion was grossly negligent. Exhibit A-1 at ¶¶32-33; Tex. Civ. Prac. & Rem. Code § 41.008 (providing for exemplary damages up to amount equal to non-economic damages). Plaintiffs' alleged damages exceed the \$75,000 minimum jurisdictional amount. 28 USC § 1332.

## **II. This Notice complies with the procedural requisites of 28 USC § 1446.**

28 USC § 1446(b)(1) requires that a Notice of Removal be filed within thirty (30) days of service of process on the removing defendant or defendants. Here, service of process on Nexion occurred on May 16, 2016. Exhibit A-5. An Appendix of all copies of all process, pleadings, and orders served on Nexion as required by 28 USC. § 1446(a) is attached hereto. A copy of this Notice of Removal is being filed with the District Court of Dallas County, Texas. As such, this Notice of Removal is properly filed.

WHEREFORE, Defendant Nexion Health at Duncanville, Inc. hereby notifies the Court and all other parties that this cause is now removed to the U.S. District Court for the Northern District of Texas.

Respectfully submitted,

**Macdonald Devin, P.C.**

By: /s/ Gregory N. Ziegler  
**Gregory N. Ziegler**  
State Bar No. 00791985  
[gziegler@macdonalddevin.com](mailto:gziegler@macdonalddevin.com)

3800 Renaissance Tower  
1201 Elm Street  
Dallas, TX 75270  
Phone: (217) 651-3325  
Fax: (214) 747-0942

**COUNSEL FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF REMOVAL** was served on all counsel of record in accordance with the Texas Rules of Civil Procedure via electronic mail on this the 6<sup>th</sup> day of June 2016.

*Via email:* [Patrick@powerstaylor.com](mailto:Patrick@powerstaylor.com)

[Ernest@powerstaylor.com](mailto:Ernest@powerstaylor.com)

Patrick W. Powers  
Ernest C. Tosh  
Powers Taylor, LLP  
8150 N. Central Expressway  
Suite 1575  
Dallas, Texas 75206

/s/ Gregory N. Ziegler  
Gregory N. Ziegler